



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Avalon Bay Newcastle

Proposal Address: 11400 SE 8th Street

Proposal Description: Land Use review of proposed street frontage improvements along Coal Creek Parkway in support of the Avalon Newcastle development project located within the City of Newcastle. The proposed frontage improvements along Coal Creek Parkway will impact protected stream and wetland buffers and require approval of a Critical Areas Land Use Permit.

File Number: 15-106573-LO

Applicant: Avalon Bay Communities


Decisions Included: Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: Reilly Pittman, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non-Significance previously issued by the
City of Newcastle on October 26, 2014 under file 13-PL-
058/59/60**

Director's Decision: **Approval with Conditions**

Michael A. Brennan, Director
Development Services Department

By: 
Carol V. Helland, Land Use Director

Application Date: February 27, 2015
Notice of Application Publication: March 26, 2015
Decision Publication Date: June 18, 2015
Appeal Deadline: July 2, 2015

For information on how to appeal visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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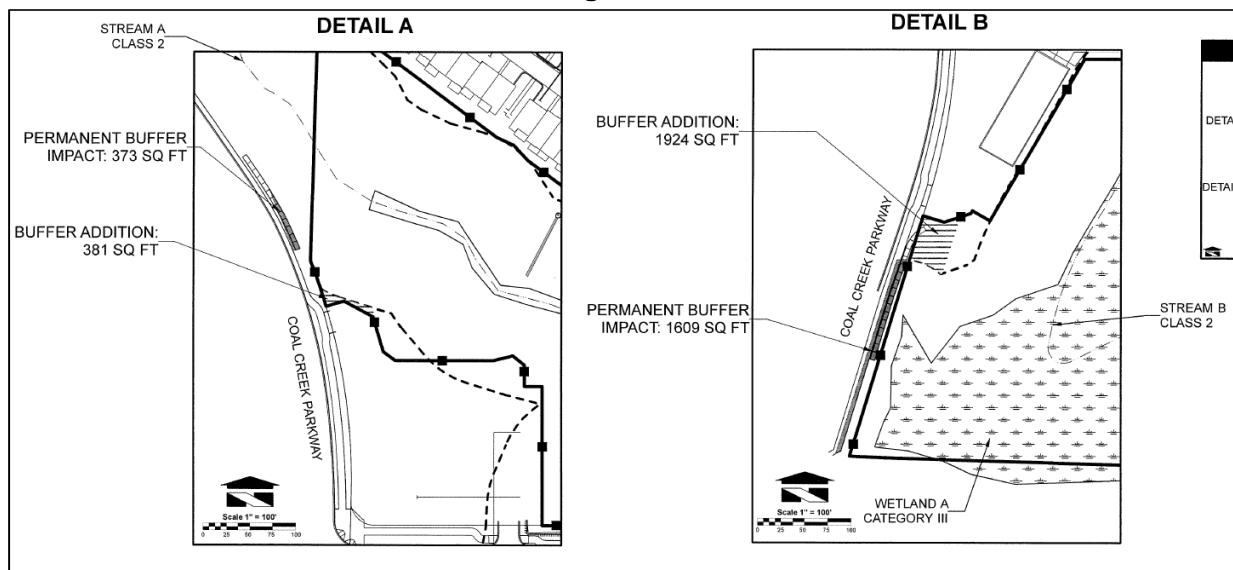
Attachments

1. Addendum to the Detailed Mitigation Plan – Enclosed
2. Detailed Mitigation Plan – In File
3. Critical Areas Report – In File
4. Aquatic Resources Impacts Analysis – In File
5. Project plans, SEPA Checklist, SEPA MDNS, and other documents approved by City of Newcastle – In File
6. Comments and Communication – In File
7. Application Forms and Materials – In File

I. Proposal Description

The applicant proposes construction of street frontage improvements along Coal Creek Parkway in support of the Avalon Newcastle development project located within the jurisdiction of the City of Newcastle. Under the conditions of the project SEPA DNS issued by the City of Newcastle, the developer must expand and improve portions of the City of Bellevue owned and maintained ROW to provide necessary operational capacity within the ROW. Sections of the proposed ROW expansion are within regulated stream and wetland buffers. The developer, Avalon Bay Communities, has submitted application for Critical Areas Land Use Permit to expand and improve the existing ROW as allowed under LUC 20.25H.055.B. The application is supported by construction plans and mitigation plans designed to avoid, minimize, and mitigate impacts to the site's stream and wetland resources and associated buffers. The project proposes to impact 373 square feet of stream buffer and 1,609 square feet of wetland buffer, adjacent to the existing road and in the City's right-of-way. The applicant proposes to use buffer averaging provisions to replace the lost buffer area with areas that will leave the stream and wetland buffers with equivalent or greater structure and function. See figure 1 below for project impacts and new buffer areas.

Figure 1



II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The project site is located in the Newport Hills Subarea. The work area along Coal Creek Parkway is along the east side of the road, adjacent to the Avalon project site. The site has multiple streams and wetlands. Stream A and B and Wetland A as found in the project plans as attachment x are adjacent to Coal Creek Parkway. The proposed frontage improvements

are within the outer edges of the buffers required from these critical areas.

B. Zoning

The proposed frontage improvements will not affect zoning and the adjacent property is within the City of Newcastle jurisdiction.

C. Land Use Context

The comprehensive plan designation is not applicable to the proposed frontage improvements.

D. Critical Areas Function and Value, Regulations

i. Streams and Riparian Areas

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi-canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

ii. Wetlands

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provides various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The zoning dimensional requirements found in LUC 20.20.010 do not apply to this project.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes standards and procedures that apply to construction of improvements on any site which contains in whole or in part any portion designated as critical area or critical area buffer. The proposed frontage improvements will be located within stream and wetland buffers. Construction of new or expanded public roads is an allowed use in critical areas and buffers per LUC 20.25H.055 and the project is subject to the following code requirements.

i. Consistency with LUC 20.25H.055.C.2.a

New or expanded facilities and systems are allowed within the critical area or critical area buffer only where no technically feasible alternative with less impact on the critical area or

critical area buffer exists. A determination of technically feasible alternatives will consider:

- 1. The location of existing infrastructure;**
- 2. The function or objective of the proposed new or expanded facility or system;**
- 3. Demonstration that no alternative location or configuration outside of the critical area or critical area buffer achieves the stated function or objective, including construction of new or expanded facilities or systems outside of the critical area;**
- 4. Whether the cost of avoiding disturbance is substantially disproportionate as compared to the environmental impact of proposed disturbance; and**
- 5. The ability of both permanent and temporary disturbance to be mitigated.**

The proposed impacts result from frontage improvements to the existing edge of Coal Creek Parkway. The proposed frontage and intersection improvements must be constructed using the existing right of way and no other location can be chosen. The improvements result from proposed turn lanes for access onto the connector road into the Avalon development. Due to the existing road, grades, alignments, and safety requirements there is no other location that the proposed improvements could be placed in to avoid impacts. The proposal results in a small area of disturbance to the outer edge of the buffers which is already disturbed due to location adjacent to Coal Creek Parkway. Mitigation is proposed through buffer averaging found on the submitted mitigation plan prepared for the entire Avalon Newcastle project as approved by the City of Newcastle. See attachment 1 for mitigation plan specific to Bellevue impacts.

ii. Consistency with LUC 20.25H.055.C.2.b

If the applicant demonstrates that no technically feasible alternative with less impact on the critical area or critical area buffer exists, then the applicant shall comply with the following:

- 1. Location and design shall result in the least impacts on the critical area or critical area buffer.**
- 2. Disturbance of the critical area and critical area buffer, including disturbance of vegetation and soils, shall be minimized.**
- 3. Disturbance shall not occur in habitat used for salmonid rearing or spawning or by any species of local importance unless no other technically feasible location exists.**
- 4. Any crossing over of a wetland or stream shall be designed to minimize critical area and critical area buffer coverage and critical area and critical area buffer disturbance, for example by use of bridge, boring, or open cut and perpendicular crossings, and shall be the minimum width necessary to accommodate the intended function or objective; provided, that the Director may require that the**

facility be designed to accommodate additional facilities where the likelihood of additional facilities exists, and one consolidated corridor would result in fewer impacts to the critical area or critical area buffer than multiple intrusions into the critical area or critical area buffer.

- 5. All work shall be consistent with applicable City of Bellevue codes and standards.**
- 6. The facility or system shall not have a significant adverse impact on overall aquatic area flow peaks, duration or volume or flood storage capacity, or hydroperiod.**
- 7. Associated parking and other support functions, including, for example, mechanical equipment and maintenance sheds, must be located outside critical area or critical area buffer except where no feasible alternative exists.**
- 8. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.**

The project avoids and minimizes effects to stream and wetland habitat to the extent practicable. The construction proposed is the minimum necessary to meet the required frontage improvements. No habitat used for salmonid rearing is impacted by the proposed frontage improvements and there are no stream or wetland crossing proposed as part of the frontage improvements per the submitted plans and environmental documents. Disturbance to wetlands, streams, and buffers in the project area will be minimized to the amount necessary for construction of the project features. All work will be consistent with City of Bellevue codes and standards. The project will not have a significant impact on the overall aquatic area flow peaks, duration, or volume, or flood storage capacity. Any temporary disturbance will be required to be restored based on inspections of the future construction permits.

iii. Consistency With LUC 20.25H.080 and LUC 20.25H.100

Development on sites with a type S or F stream, wetland, or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable

- 1. Lights shall be directed away from the stream S60-Wilburton Sewer Capacity Upgrade Project 28 City of Bellevue - Critical Areas Report**

Lighting from the road will not be directed toward streams or wetlands.

- 2. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the stream, or any noise shall be minimized through use of design and insulation techniques.**

The proposed project will not generate any additional noise. Temporary noise impacts would occur during project construction due to the use of construction equipment and vehicles.

3. Toxic runoff from new impervious area shall be routed away from the stream.

Drainage from new impervious surfaces will be routed into the roadway drainage system.

4. Treated water may be allowed to enter the stream critical area buffer.

The drainage system for the roadway will treat water before it enters any streams or wetlands.

5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use.

Mitigation for the impacts proposed as a result of the road improvements in the City of Bellevue right-of-way is provided as part of the mitigation for the entire project reviewed by the City of Newcastle. The areas of buffer averaging proposed are forested and will leave the impacted buffers with equivalent or greater structure and function as compared to the existing buffer.

6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices", now or as hereafter amended. S60-Wilburton Sewer Capacity Upgrade Project 29 City of Bellevue - Critical Areas Report

Use of pesticides, insecticides, or fertilizers in the City of Bellevue will be done per the City of Bellevue standards.

iv. Consistency with LUC 20.25H.075.C.2.a

Buffer averaging may be allowed if all the following criteria are satisfied. Proposals to average the stream critical area buffer under this subsection shall require a Critical Areas Land Use Permit; provided, that a mitigation or restoration plan is not required for buffer averaging.

1. Buffer averaging may be approved only if the applicant demonstrates that a modification to non-critical area setbacks pursuant to LUC [20.25H.040](#) would not accommodate the proposed development in a manner consistent with its intended use and function.

- 2. Through buffer averaging, the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging;**
- 3. The total buffer area is not reduced;**
- 4. The buffer area is contiguous;**
- 5. Averaging does not result in any impact to slope stability and does not increase the likelihood of erosion or landslide hazard;**
- 6. Averaging does not result in a significant adverse impact to habitat associated with species of local importance; and**
- 7. At no point is the critical area buffer width less than 75 percent of the required buffer dimension.**

The project cannot modify setbacks or other dimensions to avoid impacting the buffer due to the location of the existing roadway in relation to the stream. The ecological structure and function of the area being added as buffer is equivalent or greater than the existing buffer. The stream and wetland buffers being modified are at the edge of the City's right-of-way, next to a paved road. There is minimal vegetation and the area is disturbed. Tree removal does result from the stream buffer reduction however the trees added by the buffer averaging are at least equivalent in the functions they provide to buffer the stream. The total buffer area is not reduced and is contiguous. No slope hazards are created by the proposed averaging and will not impact habitat of important species. The existing buffers are already less than 75 percent of the required buffer dimension and the work is within the existing right-of-way. The proposal is an allowed use and is the minimum necessary reduction for the required frontage improvements. The amount of mitigation proposed on the project site will also provide significant ecological improvement to the site as a whole.

IV. Public Notice and Comment

Application Date:	February 27, 2015
Public Notice (500 feet):	April 2, 2015
Minimum Comment Period:	April 16, 2015

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin and the Seattle Times on April 2, 2015. Notice was also mailed to property owners within 500 feet of the project site. Comments were received from Karen Walter with the Muckleshoot Tribe concerning numerous issues related to the development of the project within the City of Newcastle and primarily concerning the removal of existing stream culverts that are no longer needed. These comments are not applicable to the proposal within the City of Bellevue considered under this application and the City of Bellevue cannot review or condition the portions of the proposal outside of the City of Bellevue jurisdiction. However, the City of Bellevue has communicated the desire for the culverts to be removed as part of

the project construction and the applicant has provided the approved Hydraulic Permit Approval which requires the culverts to be removed by 2018.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

A Mitigated Determination of Non-Significance was previously issued by the City of Newcastle on October 26, 2014 for all work and improvements associated with the Avalon project.

VII. Changes to Proposal Due to Staff Review

No changes were requested.

VIII. Decision Criteria

A. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

1. The proposal obtains all other permits required by the Land Use Code;

The applicant must obtain a clearing and grading permit, right-of-way permit, and any other required permits. See Section X for a related condition of approval.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

The project utilizes the best available construction techniques to have the least impact on critical areas and buffers as possible.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

As discussed in Section III of this report performance standards will be met.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

The proposed activity will increase and improve the public roadway.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Areas impacted by the proposed road improvements are mitigated by proposed enlargement of buffer areas for the stream and wetland. These areas will result in buffers that have ecological structure and function that is equivalent or greater than the existing buffer being impacted.

6. The proposal complies with other applicable requirements of this code.

As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including, Land Use Code consistency, City Code and Standard compliance reviews, the Director of Development Services Department does hereby **approve with conditions** the proposed frontage improvements along Coal Creek Parkway that impact stream and wetland buffer associated with the Avalon Newport project. **A Clearing and Grading permit and other permits are required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval of Critical Areas Land Use Permit: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a clearing and grading permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

The following conditions are imposed under the Bellevue City Code or SEPA authority

referenced:

1. **Clearing and Grading Permit:** Plans submitted as part of permit 15-104235-GD or other required permits shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

2. **Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department



Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance

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Everett, Washington 98208
(425) 337-3174
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ADDENDUM TO THE DETAILED MITIGATION PLAN

FOR THE

Avalon Newcastle Master Planned Development

Wetland Resources, Inc. Project #13131

Prepared By:

Wetland Resources, Inc.
9505 19th Ave SE, Suite 106
Everett, WA 98208
(425) 337-3174

For:

Avalon Bay Communities
Attn: Edward Lammas
11808 Northup Way, #W311
Bellevue, WA 98005

February 27, 2015

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A. DETAILED MITIGATION PLAN MAP: AVALON NEWCASTLE – CITY OF BELLEVUE
(WETLAND RESOURCES, INC. 2015)

B. DETAILED MITIGATION PLAN FOR THE AVALON NEWCASTLE MASTER PLANNED
DEVELOPMENT (WETLAND RESOURCES, INC. 2015)

A. INTRODUCTION

The Avalon Newcastle Master Planned Development is a proposed mixed-use development project located within the City of Newcastle. As part of this project, frontage improvements along Coal Creek Parkway are required per the Mitigated Determination of Non-significance (MDNS) issued as part of the State Environmental Policy Act (SEPA). In order to meet the frontage improvement requirement, the applicant – AvalonBay Communities – must expand portions of the currently maintained width of roadway/sidewalk, etc., but remain within the limits of the public right-of-way. Part of the proposed right-of-way improvements will occur within City of Bellevue limits. Furthermore, some of the improvements will fall within critical area buffers.

Wetland Resources, Inc. (WRI) has prepared this report as an addendum to the attached *Detailed Mitigation Plan for the Avalon Newcastle Master Planned Development* (WRI 2015). The purpose of this report is to address impacts occurring to critical area buffers located within the City of Bellevue. The applicant is submitting an application for a City of Bellevue Critical Areas Land Use Permit to perform the roadway frontage improvements within the critical area buffer. Additional information can be found in the February 25, 2015 memorandum prepared by Goldsmith Land Development Services.

B. PROJECT LOCATION

Avalon Bay Communities, Inc. (the “Applicant”) is proposing the redevelopment of a 53.31-acre site located in the City of Newcastle. This site is commonly referred to as the former Mutual Materials facility (the “Project Site”). The project is referred to as the Avalon Newcastle Master Planned Development.

The project site is comprised of three separate tax parcels, #2724059006, #2824059009, and #2724059040, located in portions of Sections 27 and 28, Township 24N, Range 05E, W.M. The Project Site address is 6620 Coal Creek Parkway SE, in Newcastle, Washington. The Project Site is located within the Cedar / Sammamish Watershed (WRIA 8).

Adjacent uses include commercial offices and condominiums to the south, parks to the north and east, and public rights-of-way to the west and southeast. Specifically, the adjacent uses are as follow:

North: City of Bellevue Parks – Coal Creek Park

East: City of Newcastle – Coal Creek Park

Southeast: City of Newcastle - Mixed Use (YMCA)

West: City of Bellevue – Residential Subdivision

South: City of Newcastle – Mixed Use (commercial/office use); High Density Residential (condos); Limited Open Space

The project site fronts two arterial streets: Coal Creek Parkway SE along its westerly property boundary and Newcastle Golf Club Road along a portion of its southeastern property boundary.

C. PROJECT DESCRIPTION

This project proposes development of the project site into an urban, mixed-use community as planned for by the City of Newcastle in its Comprehensive Plan and, more specifically, as envisioned in the City’s 2000 Community Business Center/Lake Boren Corridor Master Plan and

2008 Community Business Center Design Guidelines (the “CBC Plan”) for a master-planned, mixed-use community. The City’s CBC Plan identifies the area containing the Project Site as the “Coal Creek Sector” and, as such, provides distinct design criteria and requirements.

Primary access to the project site is currently provided from Coal Creek Parkway SE, which will continue to serve as the primary entrance to the developed project. The location of the intersection, however, will be relocated to the north to align with NE 66th Street to the west as planned by the City in its 2003 Comprehensive Plan. This will require a new traffic signal at this intersection. Two other access points will be provided; one at Newcastle Golf Club Road and one from 132nd Avenue SE, which currently dead-ends at the site’s southern parcel boundary.

The proposed road network to serve the Project Site will be provided per the City of Newcastle’s CBC Plan as stated:

RECOMMENDED CIRCULATION ACTIONS

C-4: Develop “Newcastle Connector” between Coal Creek Parkway and Coal Creek Newcastle Road. This road will provide the primary regional access to development in the Coal Creek Sector and the Newcastle Golf Course to the east while reducing traffic congestion in the Downtown Sector. Provide traffic signals at the Coal Creek Parkway and 132nd Avenue SE intersections and realign Newcastle Coal Creek Road at its intersection with Newcastle Connector.

C-5: Extend 132nd Avenue SE northward to Newcastle Connector. This is an obvious connection to the Coal Creek Sector to improve circulation and reduce traffic on Coal Creek Parkway.

C-6: Develop a modified grid of neighborhood streets in the Coal Creek Sector. During the master planning process for the Mutual Materials site, establish a grid circulation pattern that provides convenient connections between uses within the area.

In addition to providing the required road network, the Applicant proposes phased development of the site by planning block areas (Blocks 1 through 10) for the purposes of project description. The site plan depicts approximately 900 residential multi-family units and approximately 49,000 square feet of commercial/retail space with public and private open spaces, multi-modal trails, and preserved critical areas.

D. CRITICAL AREAS AND PROPOSED IMPACTS

Three (3) wetlands and five (5) streams are located on the project site. Only three of these features, however – Wetland A, Stream A, and Stream B – will be involved in the Coal Creek Parkway improvements. These features are briefly described below.

Table 1: Wetlands and Streams Located on the Avalon Newcastle Project Site

FEATURE	RATING*	REQUIRED BUFFER WIDTH**
Wetland A	Cat. III	60’
Stream A	Class 2	100’
Stream B	Class 2	100’

*Wetland ratings based on Washington State Wetland Rating System for Western Washington (Hruby 2004); stream classifications based on Newcastle Municipal Code (NMC), Section 18.24.340.

**Wetland buffer widths per NMC 18.24.315; stream buffer widths per NMC 18.24.350

Wetland A: Wetland A is a palustrine forested and depressional wetland that meets the criteria for a Category III wetland. A 60-foot buffer is assigned to Category III wetlands adjacent to high and moderate land use activities per NMC 18.24.315.

Stream A: Stream A meets the criteria for a Class 2 stream that contains salmonids per the NMC 18.24.340 and requires a 100-foot protective buffer (NMC 18.24.350).

Stream B: Stream B meets the criteria for a Class 2 stream that contains salmonids per the Newcastle Municipal Code (NMC) Section 18.24.340 and requires a 100-foot protective buffer (NMC 18.24.350). Stream B is located in a steep ravine with some slopes greater than 30 percent.

Streams A and B, although called out separately, comprise a single stream system. They are located in the same stream corridor on the western part of the project site. Furthermore, they are illustrated as one system on Figures 9 and 11 of the City of Newcastle 2001 Stream Inventory (Adolfson Associates, Inc. 2002). The existing project site entrance bisects the streams; a culvert is located beneath the existing entrance/roadway.

The frontage improvements will occur within the buffer of Stream A and the buffer of Stream B/Wetland A (Stream B flows through Wetland A). The required improvements will impact approximately 373 square feet (SF) of the Stream A buffer and 1,609 SF of the Stream B/Wetland A buffer.

E. PERFORMANCE STANDARDS FOR DEVELOPMENT WITHIN CRITICAL AREAS

Per section 20.25H.055 of the City of Bellevue Land Use Code (LUC), specific uses and/or development may occur within critical areas or critical area buffers if the requirements applicable to those specific critical areas are met. The proposed Coal Creek Parkway frontage improvements are considered “New or expanded public rights-of-way, private roads, access easements and driveways” per the table in section 20.25H.055. For activities occurring in streams and stream buffers, LUC sections 20.25H.055.C.2, 20.25H.080.A, and 20.25H.080.B must be addressed. For activities occurring in wetlands and wetland buffers, LUC sections 20.25H.055.C.2 and 20.25H.100 must be addressed. These code sections have been addressed in the February 25, 2015 memorandum prepared by Goldsmith Land Development Services.

Project applicants must demonstrate that all reasonable efforts have been made to avoid and minimize impacts to critical areas and/or critical area buffers. Per section 20.25H.215 of the LUC, mitigation sequencing shall be performed in the following order of preference:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- C. Performing the following types of mitigation (listed in order of preference):
 - 1. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - 2. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or

3. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
- D. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Since the roadway frontage improvements are required as part of the SEPA MDNS, avoiding the stream and wetland buffer impacts is not feasible. The buffer impacts have been minimized/reduced as much as practicable while still allowing for the necessary frontage improvements. Relocating or redesigning the roadway to avoid the buffer impacts is not a reasonable action due to costs and logistics. The buffer impact areas cannot be restored following the frontage improvements since these will be permanent impacts. Similarly, the impacts cannot be reduced or eliminated over time. As compensation for the 1,982 SF of buffer impact, approximately 2,305 SF of additional buffer will be designated adjacent to the impact areas (see attached Final Mitigation Plan map). This meets the required one-to-one buffer mitigation ratios contained in LUC sections 20.25H.085.B and 20.25H.105.C.3.

Section 20.25H.085.A and B of the LUC and section 20.25H.105.A.2 and C.3 both include provisions for mitigation of stream and wetland buffer impacts. The preference of mitigation actions includes the following:

- On-site, through replacement of lost critical area buffer;
- On-site, through enhancement of the functions and values of remaining critical area buffer;
- Off-site, through replacement or enhancement, in the same sub-drainage basin;
- Off-site, through replacement or enhancement, out of the sub-drainage basin but in the same drainage basin.

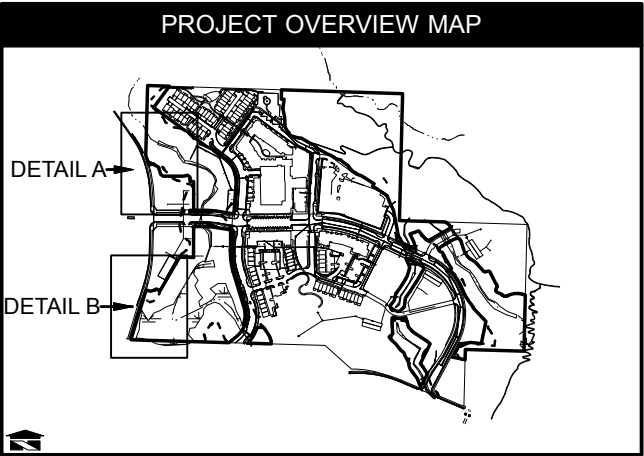
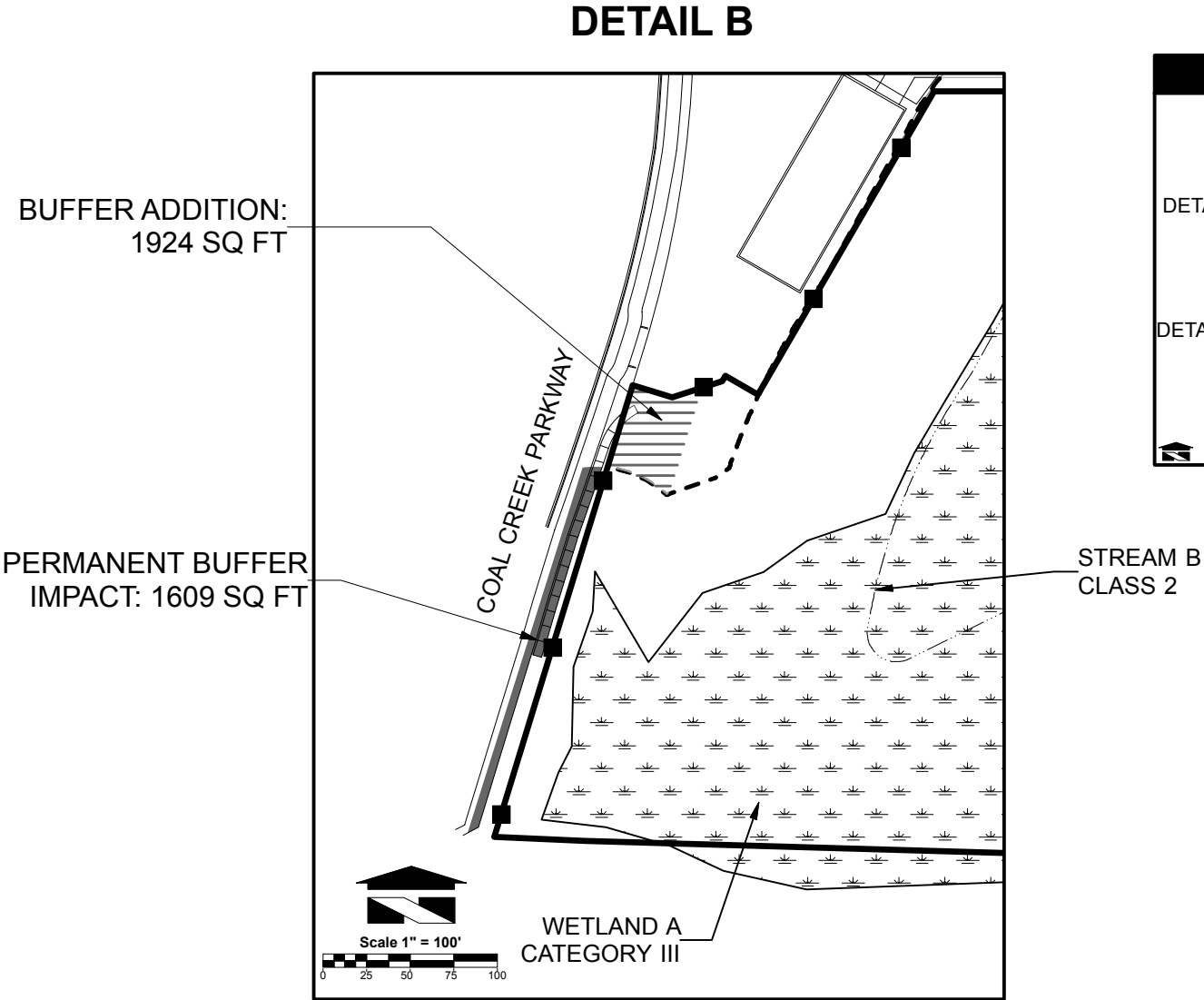
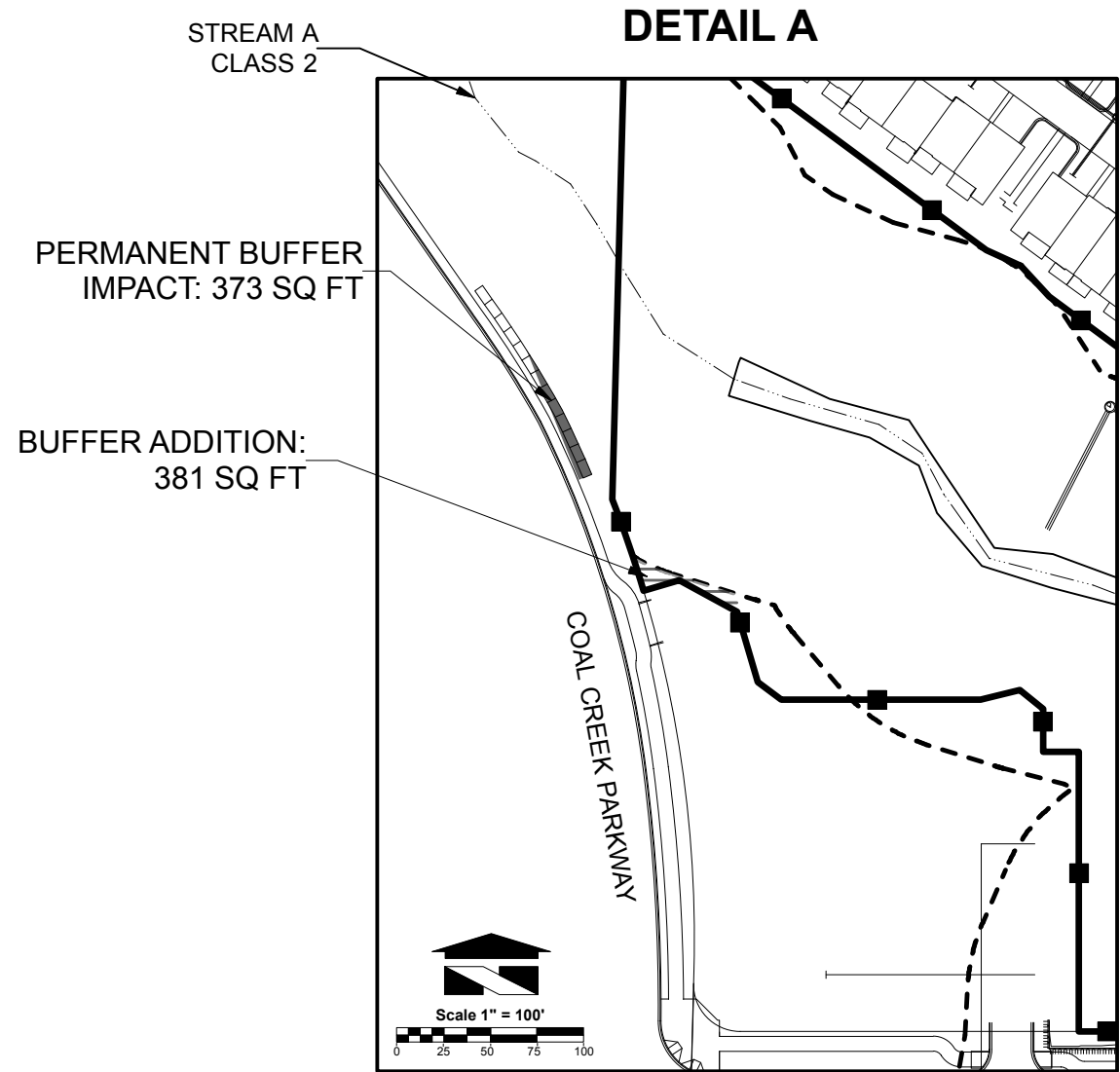
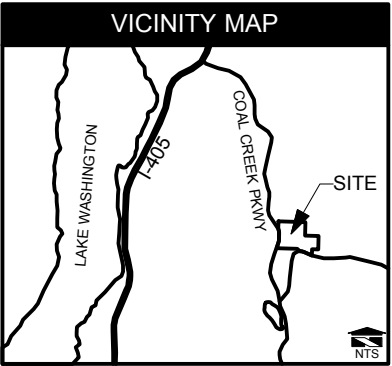
Furthermore, the LUC states that impacted critical area buffer must be replaced at a ratio of one-to-one.

The additional buffer areas being designated are located on-site and represent slightly more than a one-to-one ratio.

F. ADDITIONAL PROJECT AND MITIGATION INFORMATION

The *Detailed Mitigation Plan for the Avalon Newcastle Master Planned Development* (Wetland Resources, Inc., 2015), submitted concurrently with this report, includes additional project information and outlines the entire mitigation plan for the proposed Avalon Newcastle project. In addition, the *Detailed Mitigation Plan* map illustrates the mitigation actions and locations.

DETAILED MITIGATION PLAN MAP
AVALON NEWCASTLE - CITY OF BELLEVUE
PORTION OF SECTION 27, TOWNSHIP 24N, RANGE 05E, W.M.



LEGEND

- PERMANENT BUFFER IMPACTS
- ADDITIONAL BUFFER DESIGNATION
- WETLAND
- STREAM
- CRITICAL AREA TRACT
- BUFFER
- CRITICAL AREA SIGN

Wetland Resources, Inc.
Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance
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Phone: (425) 337-3174
Fax: (425) 337-3045
Email: mailbox@wetlandresources.com

DETAILED MITIGATION PLAN MAP
Avalon Newcastle -City of Bellevue
Bellevue, Washington

Avalon Bay Communities, Inc. Sheet 1/1
Attn: Edward Lammas WRI Job # 13131
600 108th Ave. NE, Suite 840 Drawn by: NW
Bellevue, WA 98004 Date: February 24, 2015